

November 25, 2015

Andrew M. Isaacs and Janet C. Kappmeyer
40 Hennessey Ridge Road
St. Helena, CA 94573
707-968-9003
isaacs@berkeley.edu

Planning Commission Mtg.

DEC 02 2015

Agenda Item # 9C

Charlene Gallina
Supervising Planner
Napa County Planning, Building, & Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559
707-299-1355
Charlene.Gallina@countyofnapa.org

Re: Use Permit Exception #P12-00265 and an Exception to the Napa County Road and Street Standards

Dear Ms. Gallina:

We are writing in support of the Exception to the Napa County Road and Street Standards (RSS) in the above-referenced Use Permit Exception as it applies to Hennessey Ridge Road.

We own two of the 10 parcels along Hennessey Ridge Road (APNs 025-440-035 and 025-440-044) and have been full-time residents of one of them for seven years.

Hennessey Ridge Road is a private community drive that serves as the main access to our parcels and those of our neighbors in the Hennessey Ridge Owners Association (HROA), which is responsible for maintaining and upgrading the road.

This summer we received a civil engineering plan detailing proposed safety improvements to Hennessey Ridge Road that was sent out to the members of the HROA. We have studied the plan and done several site walks to review the intended work. Both of us are trained as geologists and one of us (Janet) is licensed by the State of California as a Certified Engineering Geologist. In our view, the civil engineering plans are well thought out and meet the spirit and intent of Napa County RSS while also minimizing the environmental impact of the safety improvements. Since Hennessey Ridge Road transits our parcels for more than a kilometer, we have considerable interest in this project.

The two of us have also had significant roles in our local community: Janet served as President of the HROA from 2010 – 2012, and Andrew was on the HROA board from 2012 – 2013 while

also serving as the HROA's Road Committee from 2010 – 2013. Since 2010, we have regularly submitted our recommendation to the HROA that safety improvements are needed to Hennessey Ridge Road, including widening the road with additional turnouts. In our view, the entire matter of making safety improvements to Hennessey Ridge Road comes down to a single question:

Do we as a HOA wish to have a common road that meets as closely as possible current Napa County standards such that emergency vehicles – fire engines, water tenders, crew vehicles, ambulances, etc. - can pass each other safely so as to protect our lives and our property without undue risk to the crews in those vehicles?

Our answer is "Yes"; we believe we have the ethical responsibility of putting the safety of emergency responders (and other users of Hennessey Ridge Road) ahead of other concerns. Those whose answer is "No" are electing to put at risk the very people from Cal Fire and other emergency agencies who protect us.

As for deciding who pays for the safety improvements, it is a HROA matter of course, not a county matter. In our view it is both reasonable and equitable that those who are the primary beneficiaries of safety improvements to Hennessey Ridge Road – the owners of parcels served by that road – share in the cost of those safety improvements. Those costs should be spread among all the beneficiaries of the safety improvements, both long-time residents like ourselves as well as newcomers like the Phelans.

We reiterate our support of the Exception to the Napa County Road and Street Standards in the above-referenced Use Permit Exception as it applies to Hennessey Ridge Road.

Sincerely,

Andrew M. Isaacs and Janet C. Kappmeyer

Gallina, Charlene

From: Andrew M ISAACS <isaacs@berkeley.edu>
Sent: Monday, November 30, 2015 10:49 AM
To: Gallina, Charlene
Subject: Letter in support of Use Permit Exception #P12-00265 and an Exception to the Napa County Road and Street Standards
Attachments: Letter in support of Use Permit Exception #P12-00265 and an Exception to....pdf

Dear Ms. Gallina,

Please find attached our letter in support of Use Permit Exception #P12-00265 and an Exception to the Napa County Road and Street Standards.

Please confirm that you have received this letter.

My thanks,

Andrew Isaacs

Gallina, Charlene

From: Jeff Phelan <jphelan@dctindustrial.com>
Sent: Wednesday, November 25, 2015 1:46 PM
To: Gallina, Charlene
Cc: Jeffrey R. Redding; Jeff Phelan
Subject: Fwd: 100 Hennessey

Hi Charlene...
Please confirm you received?

Jeff Phelan
President
DCT INDUSTRIAL
949.720.8000

Begin forwarded message:

From: Jay Heminway <jaygreenandred@gmail.com>
Date: November 25, 2015 at 6:42:33 AM PST
To: Jeff Phelan <jphelan@dctindustrial.com>
Subject: Re: 100 Hennessey

To Charlene Gallina, This letter is to consent Mr. Phelan's construction proposal . As an adjacent neighbor we see no impact from the project. Sincerely , Jay Heminway

On November 24, 2015, at 11:14 AM, Jeff Phelan <jphelan@dctindustrial.com> wrote:

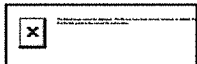
Jay.....

The attachment above is for my project at 100 Hennessey Ridge.

Thank you....

Jeff Phelan
President

949-720-8000



From: Sharon Adams
Sent: Thursday, November 12, 2015 2:57 PM
To: Jeff Phelan
Subject: 100 Hennessey

Mark Friedman
9 St. Stephens School Road
Austin, TX 78746

November 24, 2015

Ms. Charlene Gallina
Supervising Planner
Planning, Building & Environmental Services
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

Re: Public Notice – Phelan Residence: Use Permit Exception P12-00265
Exception to Napa County road and Street Standards. (RSS)

Dear Ms. Gallina:

In reference to the Public Notice listed above, this letter is being sent to express my support of the of the Phelan Residence project. I am a property owner in the Hennessy Ridge HOA as well as a Board Member of the Home Owners Association. Additionally, I am also in favor of the proposed improvements to the common area road.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Friedman', with a long horizontal flourish extending to the right.

Mark Friedman

Attachment: Public Notice



A Tradition of Stewardship
A Commitment to Service

PUBLIC NOTICE

NOTICE OF PLANNING COMMISSION HEARING & NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

On Wednesday morning, the 2nd day of December 2015, at 9:00 a.m. in the County Administration Building, 1195 Third Street, Suite 305, Napa, California, a public hearing will be conducted by the Napa County Planning Commission regarding the project identified below. All interested persons are invited to attend the hearing and be heard.

Phelan Residence; Use Permit Exception #P12-00265 and an Exception to the Napa County Road & Street Standards. (RSS)

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of an "Exception" in the form of a Use Permit to the Conservation Regulations (P12-00265) to authorize retention of previously constructed and/or installed improvements within the required blue-line stream setback along an unnamed tributary to Cedar Valley Creek. The improvements include the following:

- 1) Reconstruction of an existing 864+/- s.f. caretaker's dwelling, and 868+/- sf addition; and
- 2) A propane tank, raised garden beds, wooden planters, retaining walls and steps, a bocce ball court, a concrete retaining wall, an above ground drainage pipe, a wooden flume, an underground pipe, a waterslide and dock; and
- 3) Removal and relocation of an existing septic system.

The following components have been specifically included under this request in order to implement the preliminarily approved California Department of Fish & Wildlife Streambed Alteration Agreement and Proposed Stream Channel Restoration Landscape and Revegetation Plan:

- 1) Replace the existing wooden retaining wall with concrete retaining wall and steps;
- 2) Replace the on-stream pond liner with a concrete liner;
- 3) Replace the above ground drainage pipe and extend the existing concrete channel and install storm drain pipes to connect to the existing concrete channel along the east side of the main dwelling;
- 4) Re-store and enhance portions of the creek within the vicinity of the non permitted improvements;
- 5) Remove an approximately 150 foot long 3 foot wide black plastic lining previously installed within the stream channel;
- 6) Remove rocks ranging in size from 12-36 inches from an area of approximately 150 foot long and 3 feet wide; and
- 7) Re-establish native riparian vegetation within the project foot print.

If this Use Permit Exception is authorized by the County, the applicant has requested that the caretaker's cottage near the creek become the primary dwelling and the original dwelling on-site become the guest dwelling.

The application also includes a request for a Napa County Road and Street Standards Exception for the shared portion of Hennessey Ridge Road (a private community drive). The exception proposes a reduction in the number of required turnouts along a portion of the shared driveway, a reduction to the inside radius of curvature for a horizontal curve at nine stations, and an increase in the allowable maximum centerline slope at two sections when the RSS requirement is 20% maximum.

The project is located on a 163.3 acre parcel accessed via Hennessey Ridge Road, which is shared with ten (10) parcels and approximately 2.75 miles from its intersection with Chiles Pope Valley Road and 0.4 miles north of Sage Canyon Road, within the Agricultural Watershed (AW) zoning district; 100 Hennessey Ridge Road, St Helena, CA 94574; APN: 025-440-007.

The proposed Negative Declaration is available for inspection, along with copies of all documents which relate to the above described project, between the hours of 8:00 a.m. and 4:45 p.m. Monday through Friday, at the office of the Napa County Planning, Building, & Environmental Services Department, 1195 Third Street, Suite 210, Napa, 94559 California.

Written comments regarding the environmental effects of this project and the adequacy of the proposed Negative Declaration are solicited. Written comments must be presented during the public review period, which runs from October 31, 2015 through December 1, 2015. Comments should be directed to Charlene Gallina, Supervising Planner, Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Suite 210, Napa, California 94559; (707) 299-1355 or charlene.gallina@countyofnapa and must be received before 4:45 p.m. on December 1, 2015.

If you challenge the particular proceeding in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

DATED: Friday, October 30, 2015

DAVID MORRISON
Director of Planning, Building, & Environmental Services

PLEASE DO NOT PUBLISH BELOW THIS LINE. THANK YOU

PUBLISH: Saturday, October 31, 2015 - Napa Valley Register

BILL TO: Napa County Planning, Building, & Environmental Services Department

Gallina, Charlene

From: Maison Catto <mcatto@Accruent.com>
Sent: Wednesday, November 25, 2015 7:51 AM
To: Gallina, Charlene
Subject: ATTACHED | Letter in Support of Phelan Project
Attachments: Austin EA2 Scan.pdf

Hi Charlene- Attached please find a letter from Mark Friedman in support of the Phelan Residence project. Also, attached, please find a copy of the public notice.

Thank you,

Maison Catto
Executive Assistant
Accruent
T 512.813.6162
www.accruent.com

19 November 2015

Charlene Gallina
Supervising Planner, Napa County Planning
Building & Environmental Services Department
1195 Third Street
Suite 210
Napa, CA 94559

RE: Phelan Residence: Use Permit Exception #P12-00265 and an Exception to the Napa County Road & Street Standards. (RSS)

To: Napa County Planning (Attention: Charlene Gallina),

We are writing in support of the 'exceptions' cited above for the Phelan Residence on Hennessey Ridge. We are unable to attend the public hearing on December 2, 2015, but wanted to share our thoughts with you. Our property is directly adjacent to the Phelan Residence, and I am a Board Member of the Hennessey Ridge Owners Association (HROA).

With respect to the exception in the form of a Use Permit to Conservation Regulations, the proposed improvements are minor and the impact to our property which abuts the Phelan property is negligible (if at all). The proposed measures (items 1-7) seem fully reasonable to us.

As for the exception to the Napa County RSS, the private road has already been approved and is currently being used without any problems. However, we understand the need for improved road safety given the rising threats posed by wild fires and view the proposed exception as reasonable. Please note that the turnouts are in the process of being approved by the HROA Board with the majority of the Board supportive.

Should you have any questions, feel free to contact me at gjsogiso@gmail.com.

Regards,

John So
Lot 025-440-011
Saint Helena, CA 94574

Gallina, Charlene

From: John So <gjsogjso@gmail.com>
Sent: Tuesday, November 24, 2015 6:09 PM
To: Gallina, Charlene
Subject: Phelan Residence: Use Permit Exception #P12-00265 and an Exception to the Napa County Road & Street Standards (RSS)
Attachments: Napa County - Phelan Residence Exceptions - 2015-11-19.pdf

To Charlene Gallina,

We are writing in support of the exceptions cited above for the Phelan Residence on Hennessey Ridge. We are unable to attend the public hearing on December 2, 2015, but wanted to share our thoughts with you. Our property is directly adjacent to the Phelan Residence, and I am a Board Member of the Hennessey Ridge Owners Association (HROA).

With respect to the exception in the form of a Use Permit to Conservation Regulations, the proposed improvements are minor and the impact to our property which abuts the Phelan property is negligible (if at all). The proposed measures (items 1-7) seem fully reasonable to us.

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Should you have any questions, feel free to contact me at gjsogjso@gmail.com. The formal letter in support is attached.

Regards,

John So
Lot 025-440-011
Saint Helena, CA 94574

November 25, 2015

Andrew M. Isaacs and Janet C. Kappmeyer
40 Hennessey Ridge Road
St. Helena, CA 94573
707-968-9003
isaacs@berkeley.edu

Charlene Gallina
Supervising Planner
Napa County Planning, Building, & Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559
707-299-1355
Charlene.Gallina@countyofnapa.org

Re: Use Permit Exception #P12-00265 and an Exception to the Napa County Road and Street Standards

Dear Ms. Gallina:

We are writing in support of the Exception to the Napa County Road and Street Standards (RSS) in the above-referenced Use Permit Exception as it applies to Hennessey Ridge Road.

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This summer we received a civil engineering plan detailing proposed safety improvements to Hennessey Ridge Road that was sent out to the members of the HROA. We have studied the plan and done several site walks to review the intended work. Both of us are trained as geologists and one of us (Janet) is licensed by the State of California as a Certified Engineering Geologist. In our view, the civil engineering plans are well thought out and meet the spirit and intent of Napa County RSS while also minimizing the environmental impact of the safety improvements. Since Hennessey Ridge Road transits our parcels for more than a kilometer, we have considerable interest in this project.

The two of us have also had significant roles in our local community: Janet served as President of the HROA from 2010 – 2012, and Andrew was on the HROA board from 2012 – 2013 while

also serving as the HROA's Road Committee from 2010 – 2013. Since 2010, we have regularly submitted our recommendation to the HROA that safety improvements are needed to Hennessey Ridge Road, including widening the road with additional turnouts. In our view, the entire matter of making safety improvements to Hennessey Ridge Road comes down to a single question:

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We reiterate our support of the Exception to the Napa County Road and Street Standards in the above-referenced Use Permit Exception as it applies to Hennessey Ridge Road.

Sincerely,

Andrew M. Isaacs and Janet C. Kappmeyer

Gallina, Charlene

From: Andrew M ISAACS <isaacs@berkeley.edu>
Sent: Wednesday, November 25, 2015 10:33 AM
To: Gallina, Charlene
Subject: Letter in support of Use Permit Exception #P12-00265 and an Exception to the Napa County Road and Street Standards
Attachments: Letter in support of Use Permit Exception #P12-00265 and an Exception to....pdf

Dear Ms. Gallina,

Please find attached our letter in support of Use Permit Exception #P12-00265 and an Exception to the Napa County Road and Street Standards.

Please confirm that you have received this letter.

My thanks,

Andrew Isaacs

Gallina, Charlene

From: Jeff Phelan <jphelan@dctindustrial.com>
Sent: Monday, November 23, 2015 4:17 PM
To: Gallina, Charlene
Cc: Jeff Redding; Jeff Phelan; Sharon Adams
Subject: FW: 100 Hennessey
Attachments: 2580_001.pdf

Charlene.....

Following is a email from Mr. Cellini in support of my project. Mr. Cellini's property is adjacent to my South boundary.

Jeff Phelan
President

949-720-8000



From: William Cellini [<mailto:wcellini@ameritech.net>]
Sent: Saturday, November 14, 2015 5:42 AM
To: Jeff Phelan
Subject: 100 Hennessey

Jeff

With this email reply the Cellini parcel is indicating support of your attached proposal. If this email is not sufficient, please let me know so we may send whatever additional indications are necessary.

Bill Cellini



A Tradition of Stewardship
A Commitment to Service

PUBLIC NOTICE

NOTICE OF PLANNING COMMISSION HEARING & NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

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Request: Approval of an "Exception" in the form of a Use Permit to the Conservation Regulations (P12-00265) to authorize retention of previously constructed and/or installed improvements within the required blue-line stream setback along an unnamed tributary to Cedar Valley Creek. The improvements include the following:

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- 2) A propane tank, raised garden beds, wooden planters, retaining walls and steps, a bocce ball court, a concrete retaining wall, an above ground drainage pipe, a wooden flume, an underground pipe, a waterslide and dock; and
- 3) Removal and relocation of an existing septic system.

The following components have been specifically included under this request in order to implement the preliminarily approved California Department of Fish & Wildlife Streambed Alteration Agreement and Proposed Stream Channel Restoration Landscape and Revegetation Plan:

- 1) Replace the existing wooden retaining wall with concrete retaining wall and steps;
- 2) Replace the on-stream pond liner with a concrete liner;
- 3) Replace the above ground drainage pipe and extend the existing concrete channel and install storm drain pipes to connect to the existing concrete channel along the east side of the main dwelling;
- 4) Re-store and enhance portions of the creek within the vicinity of the non permitted improvements;
- 5) Remove an approximately 150 foot long 3 foot wide black plastic lining previously installed within the stream channel;
- 6) Remove rocks ranging in size from 12-36 inches from an area of approximately 150 foot long and 3 feet wide; and
- 7) Re-establish native riparian vegetation within the project foot print.

If this Use Permit Exception is authorized by the County, the applicant has requested that the caretaker's cottage near the creek become the primary dwelling and the original dwelling on-site become the guest dwelling.

The application also includes a request for a Napa County Road and Street Standards Exception for the shared portion of Hennessey Ridge Road (a private community drive). The exception proposes a reduction in the number of required turnouts along a portion of the shared driveway, a reduction to the inside radius of curvature for a horizontal curve at nine stations, and an increase in the allowable maximum centerline slope at two sections when the RSS requirement is 20% maximum.

The project is located on a 163.3 acre parcel accessed via Hennessey Ridge Road, which is shared with ten (10) parcels and approximately 2.75 miles from its intersection with Chiles Pope Valley Road and 0.4 miles north of Sage Canyon Road, within the Agricultural Watershed (AW) zoning district; 100 Hennessey Ridge Road, St Helena, CA 94574; APN: 025-440-007.

The proposed Negative Declaration is available for inspection, along with copies of all documents which relate to the above described project, between the hours of 8:00 a.m. and 4:45 p.m. Monday through Friday, at the office of the Napa County Planning, Building, & Environmental Services Department, 1195 Third Street, Suite 210, Napa, 94559 California.

Written comments regarding the environmental effects of this project and the adequacy of the proposed Negative Declaration are solicited. Written comments must be presented during the public review period, which runs from October 31, 2015 through December 1, 2015. Comments should be directed to Charlene Gallina, Supervising Planner, Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Suite 210, Napa, California 94559; (707) 299-1355 or charlene.gallina@countyofnapa and must be received before 4:45 p.m. on December 1, 2015.

If you challenge the particular proceeding in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

DATED: Friday, October 30, 2015

DAVID MORRISON
Director of Planning, Building, & Environmental Services

PLEASE DO NOT PUBLISH BELOW THIS LINE. THANK YOU

PUBLISH: Saturday, October 31, 2015 - Napa Valley Register

BILL TO: Napa County Planning, Building, & Environmental Services Department

11/18/2015

Ms. Charlene Gallina, Supervising Planner
Napa County Department of Planning, Building & Environmental Services
1195 Third Street
Napa, CA 9444559

Dear Ms. Gallina:

We are writing to you regarding the Hennessey Ridge Road Phelan Residence; Use Permit Exception #P12-00265 and an Exception to the Napa County Road & Street Standards (RSS). We own homes on Hennessey Ridge Road which is governed by the Hennessey Ridge Owners Association (HROA). The HROA is responsible for the upkeep, repair, and improvements for Hennessey Ridge Road, the common road for the parcels and subject to CCRs.

We oppose Mr. Phelan's request for exception from the RSS. We note the following:

1. The survey for the basis of Mr. Phelan's Exception was undertaken without the knowledge or subsequent approval of the HROA. Furthermore, parcel owners have not been privy to an on-site inspection of the turnouts proposed in the Exception. Finally, the HROA has approved neither the conclusions nor recommendations of the survey Exception.
2. If the HROA were to fund the expenditures involved in complying with the Exception through an assessment of parcel owners, such expenditures would be considered a "road improvement" under the HROA's CCRs and defined as a "special assessment." Special assessments requires the approval of a majority of impacted parcel owners. Such approval has been neither requested nor received.
3. We are not opposed to Mr. Phelan funding and undertaking the road improvements under the Exception. However, prior approval of the HROA and possibly individual property owners seems necessary since work would be conducted over the HROA's road easement and possibly on individual parcel owners' property.

If the HROA refused to fund the RSS Exception expenditures and Mr. Phelan were unwilling or unable to undertake the project, it would be necessary for him to again approach the County asking for a new set of exceptions to/or waiver from the RSS. This would further occupy the time and resources of the Planning Commission on a project that already has assumed Kafkaesque proportions. Consequently, we suggest that the Planning Commission delay approval of Mr. Phelan's project until he resolves road turnout issues with the HROA and its parcel members.

Sincerely,

Donald D. Niemann
Neill Geise
Kathleen Coelingh

Gallina, Charlene

From: Donald Niemann <vascodogama@sbcglobal.net>
Sent: Sunday, November 22, 2015 2:18 PM
To: Gallina, Charlene
Cc: Doss, Jeannette
Subject: Planning Commission-11-2015.doc-Phelan
Attachments: Planning Commission-11-2015.doc.docx

Charlene-Enclosed is a letter email from several residents on Hennessey Ridge Road re the Phelan RSS Exceptions. Please include this in the presentation to the Planning Commission. Will the Phelan review be promptly at 9am on 12/2 or is it one of many in the line? I will send a hard copy of this letter via post. Let me know if I should include any other information.

Regards, Don Niemann

From: [Kara Fingerman](#)
To: [Gallina, Charlene](#)
Subject: Public Notice Comment for Phelan Residence
Date: Tuesday, November 17, 2015 1:30:59 PM

Dear Ms. Gallina,

My husband and I received a public notice for the Phelan Residence, use permit exception #P12-00265.

We own a parcel on Hennessey Ridge and I also serve on the Hennessey Ridge Owners Association Board with Jeff Phelan.

I simply wanted to let you know that my husband and I are in full support of his project.

Best regards,

Kara & Wayne Fingerman

From: [James E. Lewis, Sr.](#)
To: [Gallina, Charlene](#)
Subject: Phelan Residence; Use Permit Exception #P12-00265 and an Exception to the Napa County Road & Street Standards. (RSS)
Date: Thursday, November 05, 2015 8:28:09 AM

Ms. Charlene Gallina
Supervising Planner
Napa County Planning, Building, & Environmental Services Department
1195 Third Street
Suite 210
Napa, CA 94559

Dear Ms. Gallina:

> On behalf of Greeg Mountain Ranch, LLC, Anita L. Lewis, and myself, this email is written in support of Napa County's adoption of a Negative Declaration for the proposed project and approval of an "Exception" in the form of a Use Permit as described in the Public Notice dated October 31, 2015. We urge that these actions be taken at the earliest possible time.

>

> Some background information may be of value to the County's decision-making processes. Our property, Greeg Mountain Ranch consists of 4 legal parcels. Two of them—025-440-005-000 and 025-440-006-000—abut the Phelan property for a distance of about 1,000 feet. Under Phelan ownership, their property is being maintained and improved and, thus, removed from its former near derelict state to being a productive addition to the Napa County economy and tax base. I would add that the property as it is being improved by the Phelans is also an attractive addition to this rural neighborhood. The Phelans are good neighbors and we know that Mr. Phelan has worked diligently with the County staff to address the issues that have been raised.

>

> Again, I urge the County to adopt the Negative Declaration and approve the Use Permit as requested.

>

> Sincerely,

>

> James E. Lewis, Sr.

> 3040 Chiles Pope Valley Road

> St. Helena, CA 94574